IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1228 OF 2007

Ahmed Abdul Muqeet Khan ..Applicant

Vs.

State of Maharashtra & Anr....Respondents

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Mr.Anil Lala with Ms.Deepa Gaikwad i/b advocate for applicant
Mr.S.S.Pednekar A.P.P. for the State
Mr.D.N.Salvi Advocate for Respondent no.2

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 12, 2007

P.C.

1. Heard the learned counsel for the applicant, the learned A.P.P. for the State and the learned counsel for the Respondent No.2.

2. The applicant is seeking bail in NDPS Special Case No.19 of 2007 which is pending before the Special Judge for NDPS Special Cases, Mumbai. The said case was investigated by N.C.B. Mumbai Zonal Unit, Mumbai.

3. Mr.Lala, the learned advocate for the applicant

has submitted that the only material against the applicant is the confessional statements of the applicant and co-accused. Mr.Lala has further submitted that both the confessional statements made by applicant and co-accused have been retracted.

3. Mr.D.N.Salvi, the learned counsel for the respondent no.2 has submitted that in addition to the confessional statement of the applicant, the other material against the applicant is the confessional statement of the co-accused Dhirendra Kamdar. It is well settled that retracted confessional statement can also be relied upon by the trial Court, provided there is some corroboration to the same. In the present case, 2 kgs. of heroine was found with the accused Dhirendra Kamdar which is a commercial quantity. Looking to all the above facts, I find that there is sufficient material against the present applicant. Hence, I am not inclined to grant bail to the applicant. Application is rejected. However, trial is expedited.

[Smt.V.K.Tahilramani, J.]